IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 5407 of 1995**

Between:

Soma Samaiah, S/o. Narasaiah, Hindu,
R/o. Khammam.

**..... PETITIONER**

AND

1 General Manager, Singareni Colleries Co.Ltd.,
Head Office: Kothagudem, Khammam District.
2 Chief Personnel Manager, Singareni Colleries Co. Ltd.,
Kothagudem, Khammam District.
3 Superintendent of Mines, Godavarikhani,
No.6 Incline, Singareni Colleries Co.Ltd.,
Godavarikhani, Karimnagar District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records in P-5/4593/IR/449 on the file of Chief Personnel Manager, Singareni Colleries Co.Ltd., Kothagudem and to issue an appropriate writ, order or direction declaring the actions of the respondents in employing other person on the appointment orders of the petitioner in the post of Badli Filler and to direct the respondents to permit the petitioner to work in the post of Badli Filler in the Singareni Colleries Company Limited.

**Counsel for the Petitioner:MR.R.KAMESWAR RAO**

**Counsel for the Respondents: Mr.K.Srinivasa Murthy(SC FOR SINGARENI**

**COLLORIES)**

**The Court made the following :**

**ORDER:**

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents as arbitrary and illegal in considering the case of some third party in the place of the petitioner for the purpose of employment as Badli Filler(Coal Filler).

It is the case of the petitioner that he passed S.S.C. in the year 1973 and registered his name with the Employment Exchange , Khammam, on 17-7-1973. The registration number is 5116/73 . While so in the year 1988 he was sponsored by Employment Exchange to attend interview for the post of 'Coal Filler' in the Singarani Collieries Company Limited , Kothagudem. Accordingly he attended interview of 31-10-1988. He was also informed after the interview was conducted to attend the office on receipt of communication from them. However, no communication was received from the Singareni Collieries Company Limited. In the year 1990, it was learnt that there were some vacancies in the Malaria Department at Khammam. As such he approached the Employment Exchange Office to have a call letter for the post in Malaria Department. Then he was informed by the Employment Exchange Office that his name was removed from the rolls of Exchange in view of the communication of the Chief Personnel Manager, Singareni Collieries Company Limited, Kothagudem, since he was selected by the second respondent for the post of "Coal Filler". Therefore, he immediately approached the respondents at Kothagudem on 5-6-1990 to know the details. He filed application and the same was also acknowledged by the respondents. Later the Deputy Chief Personal Manager,Singareni Collieries Company Limited, Kothagudem, told the petitioner on 11-6-1990 that the post was already filled up. Though the petitioner selected, he was not given appointment order and his name was removed from the Employment Exchange in view of the selection and intimation by the respondents. Therefore, he had to file C.D.No.775 of 1990 on the file of the District Consumer Forum, Khammam to enquire into the matter and to do justice. Notices were sent to the opposite parties, District Employment Exchange Office, Khammam, General Manager (Personnel Wing), Singareny Collieries Company Limited, Kothagudem,

and Deputy Chief Personal Manager, Singareni Collieries Company Limited. The Employment Exchange Officer had filed counter dated 3-1-1991 stating that the petitioner was selected to the post of 'Badli Filler' as per the letter of the Chief Personal Manager dated 1-3-1989 and therefore, the name of the petitioner was removed from rolls of Employment Exchange. The District Consumer Forum passed orders observing that Sri Somaiah, Badli Filler, appears to be an impersonator and used the above card making some changes. The matter was enquired into. The District Consumer Forum passed final orders on 13-3-1992 directing the Employment Exchange to renew his card and sponsor the name whenever a suitable vacancy is notified . According to the petitioner, he came to know about the orders passed by the District Forum in August,1994. Thus according to the petitioner, he should have been offered by the Employment instead of a third party, who is nothing to do with the Employment Exchange number and name was appointed. Hence, this writ petition.

A detail counter affidavit has been filed on behalf of respondents denying the allegations made by the petitioner. Inter alia, it is asserted that Singareni Collieries Company Limited interviewed the candidate who has come with the employment card No.5116/73 with the name of S.Somaiah and bearing a photograph duly attested by the District Employment Officer, Khammam. As the candidate who brought the employment card and photograph were tallied, he was allowed for interview, eventually he got selected and was appointed in the company. The appointments were made within a few days of interview and there is no question of asking the petitioner to go away saying further communication will be sent to him. The respondents denied the allegation that the petitioner attended for interview on 13-10-1988. However, the allegation made by the petitioner that he filed Consumer Dispute etc is not denied. It is further stated that though the Consumer Dispute was disposed of on 13-3-1992 with a direction to the Employment Exchange to renew the employment card of the petitioner, he filed the present writ petition in the year 1995 when the selections and appointments related to the year 1988. There is abnormal delay of six years in filing the writ petition. The petitioner had reached more than 40 years of age as of now, he cannot be appointed in the company since he is age barred. Apart from that fact, he did not attend for interview on 31-10-1988 nor was he selected in that interview. They have further asserted that the Singareni Collieries Company Limited had appointed the right candidate whose name was duly sponsored by Employment Exchange and whose photograph was duly attested by

the District Employment Officer on the employment registration card No.5116/73. Therefore, there is no fault on the part of the Singareni Collieries Company Limited in selecting the candidates.

I have given earnest consideration to the respective submissions made by the learned counsel on either side and perused the material made available on record.

At the outset, I am of the view that even according to the petitioner, the interviews were conducted on 31st October,1988 and he approached the Employment Exchange in the year 1990. Then he came to know that his name was struck off from the rolls since he was selected by the Singareni Collieries Company Limited. Therefore, he had filed a consumer dispute before the District Forum, Khammam, and the District Forum, Khammam, however, directed the employment exchange to renew the name of the petitioner on to the rolls. The Consumer Forum itself passed orders on 13-3-1992, whereas this writ petition is filed in 1995. This itself would show that the petitioner is neither diligent nor interested in pursuing his own cause. In the teeth of the assertions made by the respondents that the petitioner never attended for the interview held on 31-10-1988 and the person who attended against the post of coal filler through the employment card No.5116/73, he was identified since his photograph was attested by the Employment Officer. Be that at it may, this had happened somewhere in the year 1988 and the petitioner went to the District Forum for renewal of his card which was done. Thereafter, with an abnormal delay of six years, he approached this court. Even otherwise, the petitioner is not fit to be interviewed and appointed by the respondents as of now. It is further interesting to note that though the petitioner filed the Consumer Dispute before the District Forum and the writ petition before this court, he has not identified the real person and did not impelad him as a party before this court.

For all the above reasons, I am of the opinion that the writ petition is in the nature of imaginary and speculative . The writ petition is devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

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C.V.RAMULU,J

14-07-2005

Stp

To:

1 General Manager, Singareni Colleries Co.Ltd.,
Head Office: Kothagudem, Khammam District.
2 Chief Personnel Manager, Singareni Colleries Co. Ltd.,
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